

109TH CONGRESS  
1ST SESSION

# S. 1095

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## AN ACT

To amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TRAFFICKING DEFINED.**

2 (a) COUNTERFEIT GOODS OR SERVICES.—Section  
3 2320(e) of title 18, United States Code, is amended—

4 (1) by striking paragraph (2) and inserting the  
5 following:

6 “(2) the term ‘traffic’ means to transport,  
7 transfer, or otherwise dispose of, to another, for pur-  
8 poses of commercial advantage or private financial  
9 gain, or to make, import, export, obtain control of,  
10 or possess, with intent to so transport, transfer, or  
11 otherwise dispose of;” and

12 (2) by redesignating paragraph (3) as para-  
13 graph (4) and inserting the following:

14 “(3) the term ‘financial gain’ includes the re-  
15 ceipt, or expected receipt, of anything of value;  
16 and”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) SOUND RECORDINGS AND MUSIC VIDEOS OF  
19 LIVE MUSICAL PERFORMANCES.—Section 2319A(e)  
20 of title 18, United States Code, is amended by strik-  
21 ing paragraph (2) and inserting the following:

22 “(2) the term ‘traffic’ has the same meaning as  
23 in section 2320(e) of this title.”.

24 (2) COUNTERFEIT LABELS FOR  
25 PHONORECORDS, COMPUTER PROGRAMS, ETC.—Sec-  
26 tion 2318(b) of title 18, United States Code, is

1       amended by striking paragraph (2) and inserting the  
2       following:

3               “(2) the term ‘traffic’ has the same meaning as  
4       in section 2320(e) of this title;”.

5               (3) ANTI-BOOTLEGGING.—Section 1101 of title  
6       17, United States Code, is amended by striking sub-  
7       section (b) and inserting the following:

8               “(b) DEFINITION.—As used in this section, the term  
9       ‘traffic’ has the same meaning as in section 2320(e) of  
10      title 18, United States Code.”.

Passed the Senate November 10, 2005.

Attest:

*Secretary.*

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